

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
LOCAL 3621, EMS OFFICERS UNION, DC-37, AFSCME,  
AFL-CIO, et al.,

Plaintiffs,

against

THE CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 4476 (LJL) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

The Court resolved telephonically a discovery dispute that arose during a deposition, relating to questions posed to the deponent about his recollection of the materials he received and reviewed in preparation for the deposition. When the deponent could not remember details pertaining to such documents, Plaintiffs' counsel requested that he search his email for those documents to refresh his recollection, and Defendants' counsel objected.

The Court ordered that Plaintiffs' counsel could ask what materials the deponent reviewed in preparation for the deposition and could ask the deponent whether exhibits he is shown during the deposition were documents he reviewed in preparation for his deposition, but the deponent was not required to search his email. The Court granted Plaintiff leave to renew the objection by Letter-Motion. The Court's full ruling is reflected in the transcript of the call made by the deposition court reporter.

Dated: New York, New York  
September 24, 2020

SO ORDERED

  
SARAH L. CAVE  
United States Magistrate Judge